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I N S E N A T E

April 6, 2016

Introduced by Sen. GRIFFO -- (at request of the Energy Research Development Authority) -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the energy law, in relation to registration and reporting by major petroleum suppliers and pipeline operators

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The energy law is amended by adding a new article 13 to
2 read as follows:

3 ARTICLE 13

4 REGISTRATION AND REPORTING BY MAJOR PETROLEUM SUPPLIERS AND
5 PIPELINE OPERATORS

6 SECTION 13-101. DEFINITIONS.

7 13-103. REGISTRATION AND REPORTING REQUIREMENTS.

8 13-105. RULES AND REGULATIONS.

9 13-107. CONFIDENTIALITY.

10 13-109. VIOLATIONS.

11 S 13-101. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING TERMS
12 SHALL HAVE THE FOLLOWING MEANINGS:

13 1. "AUTHORITY" MEANS THE NEW YORK STATE ENERGY RESEARCH AND DEVELOP-
14 MENT AUTHORITY.

15 2. "MAJOR PETROLEUM SUPPLIER" MEANS THE LICENSEE OF A MAJOR OIL STOR-
16 AGE FACILITY.

17 3. "MAJOR OIL STORAGE FACILITY" MEANS A PETROLEUM DISTRIBUTION FACILI-
18 TY WITH A MINIMUM ACTIVE STORAGE CAPACITY OF FOUR HUNDRED THOUSAND
19 GALLONS THAT IS NOT OPEN TO THE PUBLIC, DISTRIBUTES PETROLEUM TO OTHERS
20 FOR ULTIMATE USE, AND IS SUBJECT TO THE LICENSING REQUIREMENTS OF
21 SECTION ONE HUNDRED SEVENTY-FOUR OF THE NAVIGATION LAW.

22 4. "PETROLEUM PRODUCT PIPELINE" MEANS A SYSTEM THAT TRANSPORTS PETRO-
23 LEUM PRODUCTS FROM REFINERIES, BULK TERMINALS, OR MARINE FACILITIES TO
24 OTHER TERMINALS OR TO INTERCONNECTIONS WITH OTHER PIPELINES WITHIN NEW
25 YORK STATE.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 5. "PETROLEUM PRODUCT PIPELINE OPERATOR" MEANS THE PERSON RESPONSIBLE
2 FOR THE OPERATION OF A PETROLEUM PRODUCT PIPELINE LOCATED IN NEW YORK
3 STATE.

4 6. "PETROLEUM" MEANS OIL OR REFINED PRODUCT OF ANY KIND AND IN ANY
5 FORM INCLUDING, BUT NOT LIMITED TO, CRUDE OR UNREFINED OIL, GASOLINE
6 COMPONENTS (INCLUDING ETHANOL), DISTILLATES INCLUDING PRODUCTS USED FOR
7 TRANSPORTATION OR SPACE HEATING AND WATER HEATING, KEROSENE, PROPANE OF
8 ANY FEEDSTOCK DERIVATION, AND RESIDUAL OILS INCLUDING FUEL OIL FOR ELEC-
9 TRIC GENERATION FACILITIES.

10 S 13-103. REGISTRATION AND REPORTING REQUIREMENTS. 1. REGISTRATION
11 REQUIREMENTS. (A) ON OR BEFORE OCTOBER FIRST, TWO THOUSAND SIXTEEN, EACH
12 MAJOR PETROLEUM SUPPLIER SHALL FILE A REGISTRATION STATEMENT WITH THE
13 AUTHORITY CONTAINING SUCH INFORMATION AND IN SUCH FORM AS PRESCRIBED BY
14 THE AUTHORITY, INCLUDING, BUT NOT LIMITED TO FACILITY NAME, PHYSICAL AND
15 MAILING ADDRESSES, FACILITY LICENSE IDENTIFICATION NUMBER, NAME OF
16 LICENSEE, LIST OF ACTIVE STORAGE TANKS WITH CAPACITIES AND TYPICAL
17 CONTENTS, AND A DESCRIPTION OF THE MODES OF TRANSPORTATION AVAILABLE FOR
18 DELIVERING PETROLEUM TO AND FROM THE FACILITY. THE REGISTRATION STATE-
19 MENT MUST ALSO INCLUDE E-MAIL AND TELEPHONE CONTACT INFORMATION WHERE
20 THE SUPPLIER CAN BE CONTACTED IN THE EVENT OF AN ENERGY OR FUEL SUPPLY
21 EMERGENCY. THIS INFORMATION SHALL BE KEPT CURRENT AT ALL TIMES. ANY
22 MAJOR PETROLEUM SUPPLIER THAT COMMENCES OPERATIONS AFTER OCTOBER FIRST,
23 TWO THOUSAND SIXTEEN SHALL FILE A REGISTRATION STATEMENT WITHIN THIRTY
24 DAYS OF COMMENCING OPERATIONS.

25 (B) ON OR BEFORE OCTOBER FIRST, TWO THOUSAND SIXTEEN, EACH PETROLEUM
26 PRODUCT PIPELINE OPERATOR SHALL FILE A REGISTRATION STATEMENT WITH THE
27 AUTHORITY CONTAINING SUCH INFORMATION AND IN SUCH FORM AS PRESCRIBED BY
28 THE AUTHORITY, INCLUDING, BUT NOT LIMITED TO OPERATOR NAME, REPRESENTATIVE'S NAME, MAILING ADDRESS, EMERGENCY CONTACT INFORMATION INCLUDING
29 PHONE NUMBER AND E-MAIL ADDRESS, MAP SHOWING THE LOCATION OF THE PIPE-
30 LINE UNDER THE OPERATOR'S CONTROL WITHIN NEW YORK STATE, PIPELINE FLOW
31 CAPACITIES, TYPICAL PETROLEUM PRODUCT TYPES TRANSPORTED, TYPICAL QUANTI-
32 TIES TRANSPORTED PER YEAR, AND DELIVERY POINTS. ANY PETROLEUM PRODUCT
33 PIPELINE OPERATOR THAT COMMENCES OPERATIONS AFTER OCTOBER FIRST, TWO
34 THOUSAND SIXTEEN SHALL FILE A REGISTRATION STATEMENT WITHIN THIRTY DAYS
35 OF COMMENCING OPERATIONS.

37 2. ANNUAL REPORTING REQUIREMENTS. (A) ON OR BEFORE FEBRUARY FIRST, TWO
38 THOUSAND SEVENTEEN AND EACH FEBRUARY FIRST THEREAFTER EACH MAJOR PETRO-
39 LEUM SUPPLIER SHALL FILE A REPORT WITH THE AUTHORITY FOR THE PRIOR
40 CALENDAR YEAR CONTAINING SUCH INFORMATION AND IN SUCH FORM AS PRESCRIBED
41 BY THE AUTHORITY, INCLUDING, BUT NOT LIMITED TO, ACTIVE TANKS AND CAPAC-
42 ITIES; PETROLEUM PRODUCT TYPES; ORIGINATION POINTS; DELIVERY POINTS;
43 THROUGHPUT BY PETROLEUM PRODUCT TYPE; MODAL TRANSPORTATION CAPABILITIES;
44 BACKUP POWER CAPABILITY; AND DISPENSING CAPABILITY.

45 (B) ON OR BEFORE FEBRUARY FIRST, TWO THOUSAND SEVENTEEN AND EACH
46 FEBRUARY FIRST THEREAFTER EACH PETROLEUM PRODUCT PIPELINE OPERATOR SHALL
47 FILE A REPORT WITH THE AUTHORITY FOR THE PRIOR CALENDAR YEAR CONTAINING
48 SUCH INFORMATION AND IN SUCH FORM AS PRESCRIBED BY THE AUTHORITY,
49 INCLUDING, BUT NOT LIMITED TO, OPERATIONAL STATUS, PIPELINE FLOW CAPACI-
50 TIES, TYPICAL PETROLEUM PRODUCT TYPES TRANSPORTED, TYPICAL QUANTITIES
51 TRANSPORTED PER YEAR, AND DELIVERY POINTS.

52 3. QUARTERLY REPORTING REQUIREMENTS. (A) ON OR BEFORE THIRTY DAYS
53 FOLLOWING THE END OF EACH CALENDAR QUARTER, EACH MAJOR PETROLEUM SUPPLI-
54 ER SHALL FILE A REPORT WITH THE AUTHORITY CONTAINING SUCH INFORMATION
55 AND IN SUCH FORM AS PRESCRIBED BY THE AUTHORITY, INCLUDING, BUT NOT
56 LIMITED TO, PETROLEUM PRODUCT TYPES AND QUANTITIES RECEIVED AND DISTRIB-

1 UTED; FUEL VOLUMES DELIVERED OR DISTRIBUTED SPECIFIC TO FUEL TYPE, ORIG-
2 INATION AND DELIVERY POINTS, AND MODE OF TRANSPORTATION; OPERATIONAL
3 STATUS; CURRENT INVENTORY; AND FACILITY CHANGES FROM THE INFORMATION
4 PROVIDED IN THE MOST RECENT ANNUAL REPORT.

5 (B) ON OR BEFORE THIRTY DAYS FOLLOWING THE END OF EACH CALENDAR QUAR-
6 TER, EACH PETROLEUM PRODUCT PIPELINE OPERATOR SHALL FILE A REPORT WITH
7 THE AUTHORITY FOR THE PRIOR CALENDAR QUARTER CONTAINING SUCH INFORMATION
8 AND IN SUCH FORM AS PRESCRIBED BY THE AUTHORITY, INCLUDING, BUT NOT
9 LIMITED TO, OPERATIONAL STATUS, PIPELINE FLOW CAPACITIES, VOLUMES OF
10 PETROLEUM PRODUCT TYPES TRANSPORTED, AND DELIVERY POINTS.

11 4. REPORTING REQUIREMENTS IN THE EVENT OF AN ENERGY OR FUEL SUPPLY
12 EMERGENCY. (A) IN THE EVENT OF A DECLARATION BY THE GOVERNOR OF AN ENER-
13 GY OR FUEL SUPPLY EMERGENCY PURSUANT TO SECTION 5-117 OF THIS CHAPTER,
14 EACH MAJOR PETROLEUM SUPPLIER SHALL FILE A REPORT WITH THE AUTHORITY AT
15 LEAST DAILY, CONTAINING SUCH INFORMATION AND IN SUCH FORM AS PRESCRIBED
16 BY THE AUTHORITY, INCLUDING, BUT NOT LIMITED TO, PETROLEUM PRODUCT
17 INVENTORIES; OPERATIONAL STATUS; STATUS OF ACCESS TO THE FACILITY; AND
18 FACILITY OPERATIONS CHANGES FROM THE INFORMATION PROVIDED IN THE SUPPLI-
19 ER'S MOST RECENT REPORT. IN ADDITION, IN THE EVENT OF SUCH EMERGENCY,
20 THE SUPPLIER SHALL BE AVAILABLE TO IMMEDIATELY RESPOND TO INQUIRIES FROM
21 THE AUTHORITY BY E-MAIL AND/OR TELEPHONE AT THE E-MAIL ADDRESS OR TELE-
22 PHONE NUMBER PROVIDED IN ITS REGISTRATION STATEMENT.

23 (B) IN THE EVENT OF A DECLARATION BY THE GOVERNOR OF AN ENERGY OR FUEL
24 SUPPLY EMERGENCY PURSUANT TO SECTION 5-117 OF THIS CHAPTER, EACH PETRO-
25 LEUM PRODUCT PIPELINE OPERATOR SHALL FILE A REPORT WITH THE AUTHORITY AT
26 LEAST DAILY, CONTAINING SUCH INFORMATION AND IN SUCH FORM AS PRESCRIBED
27 BY THE AUTHORITY, INCLUDING, BUT NOT LIMITED TO, PIPELINE OPERATIONAL
28 STATUS AND PRODUCT CURRENTLY BEING TRANSPORTED.

29 S 13-105. RULES AND REGULATIONS. THE AUTHORITY MAY PROMULGATE SUCH
30 RULES AND REGULATIONS AS IT DEEMS NECESSARY OR CONVENIENT TO CARRY OUT
31 THE PURPOSES OF THIS ARTICLE.

32 S 13-107. CONFIDENTIALITY. NO INFORMATION SUBMITTED TO THE AUTHORITY
33 UNDER THIS ARTICLE SHALL BE PUBLICLY DIVULGED BY AUTHORITY EMPLOYEES OR
34 OFFICERS, AND ALL SUCH INFORMATION SHALL BE EXEMPT FROM DISCLOSURE
35 PURSUANT TO PARAGRAPHS (D) AND (F) OF SUBDIVISION TWO OF SECTION EIGHT-
36 Y-SEVEN OF THE PUBLIC OFFICERS LAW SINCE DISCLOSURE OF ANY SUCH INFORMA-
37 TION COULD ENDANGER THE LIFE OR SAFETY OF ANY PERSON AND ARE TRADE
38 SECRETS, PROVIDED, HOWEVER, THAT SUCH INFORMATION MAY BE MADE AVAILABLE
39 TO ANY NEW YORK STATE ENTITY AS MAY BE DEEMED NECESSARY AND APPROPRIATE
40 BY THE PRESIDENT OF THE AUTHORITY, WHICH ENTITY SHALL PROVIDE AT LEAST
41 EQUAL PROTECTIONS TO SUCH INFORMATION.

42 S 13-109. VIOLATIONS. 1. ANY PERSON WHO VIOLATES ANY PROVISION OF
43 THIS ARTICLE OR ANY RULE, REGULATION OR ORDER ISSUED PURSUANT THERETO
44 SHALL BE LIABLE TO THE PEOPLE OF THE STATE FOR A CIVIL PENALTY IN AN
45 AMOUNT OF NOT MORE THAN TEN THOUSAND DOLLARS FOR EVERY SUCH VIOLATION,
46 PER DAY.

47 2. THE PENALTY PROVIDED IN SUBDIVISION ONE OF THIS SECTION SHALL BE
48 RECOVERED IN AN ACTION OR SPECIAL PROCEEDING BROUGHT BY THE ATTORNEY
49 GENERAL AT THE REQUEST AND IN THE NAME OF THE PRESIDENT OF THE AUTHORITY
50 IN ANY COURT OF COMPETENT JURISDICTION.

51 3. ALTERNATIVELY, OR IN ADDITION TO THE ACTION OR PROCEEDING TO
52 RECOVER THE CIVIL PENALTY PROVIDED IN SUBDIVISION ONE OF THIS SECTION,
53 THE ATTORNEY GENERAL, UPON THE REQUEST OF THE PRESIDENT OF THE AUTHORI-
54 TY, MAY INSTITUTE AN ACTION OR PROCEEDING TO ENJOIN ANY VIOLATION OF OR
55 TO ENFORCE ANY PROVISION OF THIS ARTICLE OR ANY RULE, REGULATION OR
56 ORDER ISSUED PURSUANT THERETO.

1 4. ANY ACTION OR PROCEEDING COMMENCED TO RECOVER A PENALTY MAY BE
2 SETTLED OR DISCONTINUED BY THE ATTORNEY GENERAL WITH THE CONSENT OF THE
3 PRESIDENT OF THE AUTHORITY.
4 S 2. This act shall take effect immediately.